

THOITS, LOVE, HERSHBERGER & McLEAN

William J. McLean (Bar No. 039264)

Stephen C. Gerrish (Bar No. 0612530)

Andrew P. Holland (Bar No. 224737)

285 Hamilton Avenue, Suite 300

Palo Alto, California 94301

Telephone: (650) 327-4200

Facsimile: (650) 325-5572

Attorneys for Plaintiffs and Counterdefendants

The McGraw Company and Western Service Contract Corp.

PRUETZ LAW GROUP LLP

Adrian M. Pruetz (Bar No. 118215)

ampruetz@pruetzlaw.com

Erica J. Pruetz (Bar No. 227712)

ejpruetz@pruetzlaw.com

200 N. Sepulveda Blvd., Suite 1525

El Segundo, California 90245

Telephone: 310.765.7650

Facsimile: 310.765.7641

Attorneys for Defendant and Counterclaimants

H-D Michigan, LLC and Harley-Davidson

Financial Services, Inc.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN FRANCISCO DIVISION

THE MCGRAW COMPANY, a California
corporation; and WESTERN SERVICE
CONTRACT CORP. a California corporation,

Plaintiffs,

v.

H-D MICHIGAN, LLC, a Michigan limited
liability company; and HARLEY-DAVIDSON
FINANCIAL SERVICES, INC., a Delaware
corporation,

Defendant.

And Related Counterclaims.

CASE NO. CV10-00539 JSW

STIPULATION TO EXTEND FACT AND
EXPERT DISCOVERY CUT-OFF AND
~~PROPOSED~~ ORDER THEREON

1 IT IS HEREBY STIPULATED by the parties hereto, through their respective counsel,
 2 pursuant to Civil Local Rule 6-2, that the current fact discovery cut-off of January 12, 2011 shall
 3 be extended to March 4, 2011, and the current expert discovery cut-off of March 25, 2010 be
 4 extended to April 22, 2010. All other court scheduled dates and deadlines shall remain the same.

5 Good cause exists to grant this extension as follows: the parties are working together to
 6 hopefully resolve this matter via mediation. The parties have agreed on a mediator and expect to
 7 have a date for the mediation set shortly. The mediation is anticipated to take place in early
 8 December. In light of the upcoming mediation, and in an effort to facilitate and encourage
 9 settlement, and save time and resources, the parties have agreed to postpone the taking of oral
 10 discovery until after the mediation, should it prove unsuccessful. To ensure the parties are not
 11 prejudiced by their agreement to delay discovery, they mutually and in good faith, seek an
 12 extension of the fact and expert discovery cut-off.

13 Previously, stipulations and orders resulted in the following time modifications:

14 On February 23, 2010, the parties stipulated and the Court ordered to extend the time for
 15 plaintiffs to file an amended complaint to March 10, 2010 and for defendant to respond to the
 16 complaint or first amended complaint, if applicable, to April 2, 2010.

17 The stipulation and proposed order, if issued, would affect the fact and expert discovery
 18 cut-offs set by the Court via its scheduling order, dated June 21, 2010, Docket No. 20. The last
 19 day for fact discovery would be extended from January 12, 2011 to March 4, 2011, the date
 20 currently set for expert disclosure. The last day for expert discovery would be extended from
 21 March 25, 2011 to April 22, 2011. No other court scheduled dates or deadlines shall be altered.
 22 (Attached hereto as Exhibit 1 is a schedule showing the current deadlines and proposed changes.)
 23

24 WHEREAS, the fact discovery cut-off in this action is January 12, 2011;

25 WHEREAS, the expert discovery cut-off in this action is March 25, 2011;
 26
 27
 28

1 WHEREAS, in an effort to facilitate and encourage settlement at the upcoming mediation,
2 and to save time and resources, the parties have agreed to postpone the taking of oral discovery
3 until after mediation, which is scheduled to take place in early December;

4 WHEREAS, the parties have agreed to extend the fact discovery cut-off from January 12,
5 2011 to March 4, 2011;

6 WHEREAS, the parties have agreed to extend the expert discovery cut-off from March 25,
7 2011 to April 22, 2011;

8 NOW THEREFORE, the parties, through their respective counsel, hereby stipulate to and
9 request an order extending the fact discovery cut-off to March 4, 2011 and the expert discovery
10 cut-off to April 22, 2011.

11
12 DATED: October 15, 2010

THOITS, LOVE, HERSHBERGER & MCLEAN

13
14 By /s/ Andrew P. Holland

15 _____
16 Andrew P. Holland
17 Attorneys for Plaintiffs and Counterdefendants
18 McGraw Commercial Insurance Services and
19 Western Service Contract Corp.

20
21 DATED: October 15, 2010

PRUETZ LAW GROUP LLP

22
23 By /s/ Erica J. Pruetz

24 _____
25 Erica J. Pruetz
26 Attorneys for Defendant and Counterclaimants
27 H-D Michigan, LLC and Harley-Davidson-
28 Financial Services, Inc.

Declaration of Consent

Pursuant to General Order No. 45, Section X(B) regarding signatures, I attest under penalty of perjury that concurrence in the filing of this document has been obtained from Andrew P. Holland.

DATED: October 15, 2010


PRUETZ LAW GROUP LLP

By /s/ Erica J. Pruetz

Erica J. Pruetz
Attorneys for Defendant and Counterclaimants
H-D Michigan, LLC and Harley-Davidson-
Financial Services, Inc.

IT IS SO ORDERED.

DATED: October 15, 2010



HON. JEFFREY S. WHITE
United States District Judge